

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NORMAN GLEAVE,

Plaintiff,

v.

SEAFARER SHIPPING, INC., VICTORIA  
SHIP MANAGEMENT, and OLDENDORFF  
CARIERS,

Defendants.

CASE NO. C06-5585RJB

ORDER

This matter comes before the Court on Plaintiff's Motion and Application for Issuance of Letter of Request for Service in a Foreign Country. Dkt. 15. The Court has considered the pleadings filed in support of and in opposition to the motion and the file herein.

On January 30, 2007, Plaintiff filed a Motion and Application for Issuance of Letter of Request for Service in a Foreign County, requesting the Court to issue two Letters of Request, pursuant to Rule 4(f). Dkt. 15. The proposed letters, addressed to the Philippine court, ask for the court's assistance in serving Defendants Seafarer Shipping, Inc. and Victoria Ship Management. Dkt. 16; Dkt. 17.

On February 14, 2007, this Court issued a letter to Plaintiff's attorney, Gregory Bunnell, stating this Court's reservations about issuing the Letters of Request. Dkt. 18. On February 15, 2007, Plaintiff submitted a Renewed Motion for Issuance of Letter of Request for International

Judicial Assistance. Dkt. 19; Dkt. 22. Plaintiff further submitted affidavits clarifying the intended function of the issuance of Letters of Request. Dkt. 20; Dkt. 23.

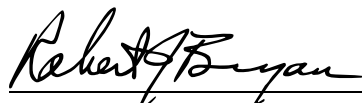
Plaintiff's attorney states that he has retained an agency specializing in international service of process and that the agency has advised him that the approval of the Phillippines court prior to service is the only way to ensure that a U.S. judgment will later be enforceable against a defendant. Dkt. 20, at 2.

The Federal Rules provide that service upon individuals in a foreign country may be effected "as directed by the foreign authority in response to a letter rogatory or letter of request" and by "other means not prohibited by international agreement." Fed. Rule Civ. P. 4(f)(2)(A), (f)(3). Because Rule 4(f) permits the issuance of letters of request and Plaintiff's attorney has been advised by the agency to obtain a letter of request from this Court, Plaintiff's Motion and Application for Issuance of Letter of Request for Service in a Foreign County (Dkt. 15) should be granted. Further, Plaintiff's Renewed Motions for Issuance of Letters of Request for International Judicial Assistance (Dkt. 19; Dkt. 22) should be stricken as moot. This Order shall not be construed as precluding challenges, if any, to the method or means of service.

Therefore, it is hereby **ORDERED**:

- (1) Plaintiff's Motion and Application for Issuance of Letter of Request for Service in a Foreign Country (Dkt. 15) is **GRANTED**;
- (2) Plaintiff's Renewed Motions for Issuance of Letters of Request for International Judicial Assistance (Dkt. 19; Dkt. 22) are **STRICKEN AS MOOT**; and
- (3) The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

DATED this 22<sup>nd</sup> day of February, 2007.

  
Robert J. Bryan  
United States District Judge